

Municipal Council Minutes
Tuesday, November 10, 2009
7:00PM Town Hall Auditorium

Call to Order 7:05PM

Pledge of Allegiance – Councilor Ferguson

Roll Call: Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood

Mary Chatigny and Roger Benson absent.

Vice President Robert Lavoie presided over the meeting.

Act on Minutes – August 25, 2009, September 8, 2009, October 13, 2009

Councilor Neale motioned to accept as submitted, Councilor Dunford second. - Voted Unanimous

Licenses and Permits

2009-103 General Business License – Stockbridge Corp., 57 Haverhill Road.

Mr. Stockbridge appeared to represent Stockbridge Corporation.

Councilor McMilleon motioned to approve as submitted, Councilor Neale second.

Voted Unanimous

2009-104 Auto Class II – Gorilla Tire & Brake, 57 Haverhill Road

Mr. Stockbridge appeared to represent Gorilla Tire & Brake.

Councilor Neale motioned to approve 2009-104 as submitted with the usual stipulations, Councilor McMilleon second. Voted Unanimous

2009-105 National Grid – Pole Hearing, Main Street Ext.

Mr. Desmarais from National Grid appeared to speak in favor of 2009-105. There is an existing pole that needs to be replaced and National Grid and an abutter would like to replace the pole across the street. All abutters have been notified and no objections were received.

Councilor McMilleon moved for approval of 2009-105 as submitted, Councilor Neale second.

Voted – Unanimous

Mayoral Appointments

2009-099 Carol Smith – Amesbury Council on Aging unexpired term to expire 6/30/11

Councilor Sherwood motioned to accept 2009-099 as submitted, Councilor Ferguson second.

Voted - Unanimous

Lakes and Waterways Association Update presented by Todd Campbell and Robert Desmarais (presentation attached)

Public Comment – No comments

Council Response to Public Comment – No comments

Public Hearings

2009-083 A Request that the Municipal Council vote to place on the November 3, 2009 ballot revisions to the Amesbury Home Rule Charter – Mayor Kezer sponsor cont.

Summary: Revisions to the Amesbury Home Rule Charter as recommended by the Amesbury Charter Commission, which include revisions by the Mayor

Ord Com – 9/22 cont.

Councilor Lavoie opened the public hearing.

Councilor Gilday invited the whole council to the next Ordinance Committee to review 2009-083.

Councilor McMilleon motioned to table 2009-083 to the December 1st meeting, Councilor Ferguson second. Voted Unanimous

2009-085 Request to accept a transfer of property located at 76 Macy Street from Mass Highway – Mayor Kezer sponsor cont.

Summary: The parcel is necessary for storm water control resulting from the proposed Mass Highway Route 110 widening project. It is located on the northerly side of Route 110 between Dunkin Donuts and Route 495. The area adjacent to Route 110 will be excavated for storm water management and will be owned by Mass Highway. The remainder of the property will be donated to the city for the purpose of establishing conservation land, allowing the project to meet DEP wetland riverfront regulations

Ord Com – 9/22 cont.

Councilor Lavoie read 2009-085 into the record.

Robert Desmarais, Director of DPW stated the state purchased the property because the widening of Rt110 triggered certain environmental regulations that required more storm water treatment than could fit within the existing right away. A big detention pond will need to be built, which will remain the responsibility of the state. The remaining approximately 3 acres will be deeded to the town as conservation land. This bill is to accept that donation. He does not foresee any expenditure of resources to maintain that.

Councilor Neale motioned to table until the December 1st meeting, Councilor Ferguson second. Voted Unanimous

First Readings

2009-106 An Ordinance to accept a donation of land from Denis and Judith Merchant – Mayor Kezer sponsor

Summary – To see if the Municipal Council will vote to accept a donation of land from Denis L. Merchant and Judith A. Merchant, Trustees of the Merchant Family Realty Trust, to the Town of Amesbury of approximately .47 acres with 125 feet of frontage in an R-40 zoning district located at 47 Kimball Road as referenced in the attached deed and map.

Councilor Ferguson motioned to send 2009-106 to Finance and Ordinance Committee, Councilor McMilleon second. Voted – Unanimous

2009-107 An Ordinance to accept Goss Ave. Extension and drainage easements for ownership by the public as a public way – Mayor Kezer sponsor

Councilor Lavoie read 2009-107 into the record.

Councilor Ferguson motioned to refer 2009-107 to Finance and Ordinance Committee and the Planning Board, Councilor McMilleon second.

Voted - Unanimous

2009-108 An Ordinance to accept certain roads and easements within Pond Hill Subdivision – Mayor Kezer sponsor.

Summary – To accept certain roads and easement within Pond Hill Subdivision for ownership by the public as public ways said roads being Spindletree Rd, Lancewood Dr., Tallowood Lane, Chapman Way and Whitewood Circle.

Councilor Ferguson motioned to refer 2009-108 to Finance, Planning Board and Ordinance for a recommendation, Councilor McMilleon second.

Voted - Unanimous

2009-110 An Order to vote to increase the exemption amount of qualified applicants – Mayor Kezer sponsor

Summary – On an annual basis, the Municipal Council must vote to decide if the Town of Amesbury shall increase the exemption amount of qualified applicants under the provisions of M.G.L.

Councilor Lavoie read 2009-110 into the record. **Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:**

That the Municipal Council vote that the Town of Amesbury increase the exemption amount of qualified applicants under the provisions of M.G.L. Chapter 59, Section 5, Clause 17E, Clause 22 through 22E, Clause 37A, Clause 41D, Clause 42 and Clause 43 by 100 % as provided by Chapter 73, Section 4 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988.

Councilor Ferguson motioned to send 2009-110 to the Finance Committee and schedule a public hearing for December 1, 2009, Councilor Neale second.

Voted – Unanimous

2009-109 An Order to vote to hold the annual Classification Hearing – Mayor Kezer sponsor

Summary – On an annual basis, the Municipal Council must vote on the issue of selecting a residential factor which will determine the percentage of the burden to be borne by each class of property.

Councilor Lavoie read 2009-109 into the record. **Be it Ordered by the Municipal Council of the Town of Amesbury assembled, and by the authority of the same as follows:**

That the Municipal Council vote on the issue of selecting a residential factor which will determine the percentage of tax burden to be borne by each class of property; vote open space discount; vote residential exemption; vote commercial exemption for fiscal year 2010.

1. The Selection of a Residential Factor:

A vote for a factor of one (1) establishes a single rate.

Councilor Sherwood moved to accept the Finance Committee recommendation for a factor of one (1) establishing a single rate. Councilor Ferguson seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

2. An Open Space Discount:

At this time, our community does not have any properties classified as such.

Councilor Lavoie moved not to establish an Open Space Discount. Councilor Chatigny seconded. Roll Call Vote – 9 –Yes, Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson

3. Residential Exemption:

This would allow a reduction in value to a qualifying parcel of up to \$ 56,299; however, the cost must be borne within the residential class.

The Board of Assessors does not recommend this.

4. Commercial Exemption:

This is similar to the above exemption, in that qualifying parcels would receive a discount of up to 10%, again the cost must be borne with the Commercial, Industrial and Personal Property classes.

The Board of Assessors does not recommend this.

Councilor Neale motioned to refer 2009-109 to the Finance Committee for a public hearing December 1, 2009, Councilor Dunford second.

Voted - Unanimous

Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2009-111 December 8, 2009 Special State Primary

Councilor Neale read 2009-111 into record.

Councilor Sherwood motioned to adopt 2009-111 as read into the record, Councilor McMilleon second.

Voted – Unanimous

c. Council Communications, Announcements and Committee Reports

Councilor Dunford motioned to adjourn, Councilor McMilleon second – Voted Unanimous

Adjourn 8:20PM

Respectfully submitted,

Assistant Town Clerk